

TOWN OF SULLIVAN PLANNING BOARD – FEBRUARY 5, 2019 - PUBLIC HEARING-
JOSHUA WEISMORE –1031 TUSCARORA/ ROUTE 5 WEST SLB 48.7-1-8 – TATTOO
AND GIFT SHOP

The hearing was opened by Frank Park. The notice was read as written in the Oneida Dispatch Present; Frank Park, Dave Allen, Sherry Menninger, John Ceresoli, Paul Jasek, and John Langey, atty.

Theresa Hirsch - Tuscarora Rd.- concerned about hours of operation and concerned about parking for events planned to be held.

Per Mr. Weismore - Hours will be from 12n to 9P, six days a week. There will be parking in the front and on the Tuscarora side for events.

They plan to have artists come in for “paint parties”.

Chet Williams - tattoo parlors have a stigma – concerned about parking and cars coming and going. It is a very busy highway.

Mrs. Williams - may want to sell property – how will this shop affect her property

Joshua Weismore - there will be no big sign, only signs in the windows. The exterior of the building will look as it does now.

Madison County Planning commented – only want a right hand turn off Route 5.

Mr. Weismore – is considering closing the entrance onto Route 5.

A motion was made by Dave Allen and seconded by Paul Jasek to close the hearing. All in favor.

REGULAR MEETING - TOWN OF SULLIVAN PLANNING BOARD –FEBRUARY 5, 2019

The regular meeting of the Town of Sullivan Planning Board began at 7:00PM

Present: Frank Park, David Allen, Sherry Menninger, John Ceresoli, Paul Jasek, and John Langey, atty

A motion was made by John Ceresoli and seconded by Sherry Menninger to accept the January 8, 2019 minutes. All in favor.

Mr. Park, chairman – stated that Dan & Michelle Beal have withdrawn their application for a kennel on Moore Road. They still need to complete their SWPP – which cannot be completed until the weather improves, most likely in May.

JOSHUA WEISMORE –1031 TUSCARORA RD/ ROUTE 5 WEST – SLB 48.7-1-8, TATTOO
AND GIFT SHOP

Mr. Weismore appeared with a revised site plan. They will have limited access to Route 5 but will not close it off completely in case of an emergency.

The shrubs proposed need to be low-lying shrubs and some timber/concrete barriers no higher than 2 ½ feet. There will be nine parking spaces. Any snow removal will go behind the building. There will be no dumpsters – they will use haulers for garbage. Lighting will be the same as it is now – 2 lights on the outside of the building.

TOWN OF SULLIVAN

PLANNING BOARD RESOLUTION

**1299 STATE ROUTE 5W LLC (Owner) and JOSHUA WEISMORE (Applicant) - Application
for a Special Use Permit for the Operation of a Mixed-Use Facility (Personal Service
Establishment - Tattoo Artist and Art Sales/Instruction Classes) at the Owner’s Premises**

Located at 1031 Route 5W/Tuscarora Road, Chittenango, in the Town of Sullivan in a Business District - GRANTED WITH CONDITIONS.

February 5, 2019

S. Menninger moved and P. Jasek seconded the following Resolution:

WHEREAS, 1299 State Route 5W LLC, as Owner (the “Owner”), and **Joshua Weismore**, as Applicant (the “Applicant”), of property located at 1031 Route 5W/Tuscarora Road, Chittenango, in the Town of Sullivan, more specifically known as Tax Map No. 48.7-1-8 (the “Property”), made application to the Town of Sullivan Planning Board (the “Board”) on or about December 18, 2018 for a Special Use Permit to operate a mixed use facility at the Property in the Town of Sullivan, Madison County, which mixed use would allow for the operation of a personal service establishment of a tattoo artist business and an art sales and instruction classes use, all in an existing structure located on the Property, all pursuant to the Zoning Law of the Town of Sullivan, as amended (the “Law”); and

WHEREAS, the Town of Sullivan Planning Board held a public hearing on the application at the Board’s regular meeting held on February 5, 2019 and after due notice by publication in the official newspaper of the Town and due notice to the Owner, Applicant, neighboring landowners and Board Members, in accordance with the law and the Zoning Law; and

WHEREAS, Volume 6 N.Y.C.R.R. Part 617 of the Regulations relating to Article 8 of the Environmental Conservation Law of New York (“SEQRA”), requires that as early as possible and within (20) days of a complete application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, the Applicant has completed and submitted a Short Form Environmental Assessment Form and the same has been reviewed and considered by the Board along with the other submissions provided by the Applicant; and

WHEREAS, the application was referred to the Madison County Planning Department (“MCPD”) for review and comment pursuant to General Municipal Law 239-m and said Board having issued its report

dated January 10, 2019 indicating that the matter was being returned for local determination and modification -- said modification being that the ingress and egress to the site from Route 5W be for westbound traffic only, no left turns and that all other ingress and egress be from Tuscarora Road; and

WHEREAS, the Applicant's application was considered fully by the Planning Board and upon such consideration the Board hereby finds pursuant to Article V of Chapter 275 of the Town of Sullivan Zoning Law, among other things, with regard to the proposed project the following:

1. The location, size of use and structure, nature and intensity of the operations involved, *i.e.* a mixed-use facility for a tattoo artist business and an art sales and instruction classes, with associated parking improvements, landscaping features and storage area, are all in harmony with the orderly development of the District. The proposed use is set amongst existing structures in a well-traveled business area, which is suitable for the proposed uses. In addition, the existing structure and parking area appear readily able to accommodate the low-traffic business and are further properly oriented on the site. Further, the premises have been used for service businesses in the past with no reported issues.
2. There will be no discouragement of appropriate development and use of adjacent lands or buildings, nor will such lands or buildings have impairment to their value by operation of the mixed-use at the site. Surrounding uses in the area are both commercial and residential in nature and the premises have been used consistent with mixed-uses in the past. The area is zoned Business. There has been no evidence that there will be any negative impacts created by the proposed uses as shown on the submitted drawings. In addition, the Applicant has indicated that no every day traffic will access the Route 5W entrance, which will be used for emergency purposes only. The Applicant has also stated that they will install appropriate low-lying landscaping shrubs in the front arear of the property where Route 5W and Tuscarora Road converge. This will be added to the site plan. In addition, the Applicant has agreed to plant grass in the same area which will be continuously maintained by the Applicant and/or Owner. Further, no other uses beyond those described in the application will be allowed.
3. The operation of the mixed-use facility will not be more objectionable to nearby properties than the operations of any other permitted standard uses. The Business Zoning District supports mixed use and the property has been previously used for business purposes.
4. The project provides for sufficient private parking on-site. There will be no on-street parking allowed. The Applicant has submitted drawings to show that the existing parking lot will be sufficient for the proposed uses; and

WHEREAS, the Board has fully considered all of the application materials, drawings and submissions associated with the proposed use.

NOW THEREFORE, BE IT RESOLVED that the Town of Sullivan Planning Board hereby determines that the proposed action is an Unlisted Action, that the action does not involve any federal agency and the proposed action does not involved more than one agency; and

BE IT FURTHER RESOLVED that the Town of Sullivan Planning Board hereby notices all agencies involved, if any, that it shall be lead agency for this project; and

BE IT FURTHER RESOLVED that the Town of Sullivan Planning Board hereby determines that the proposed action will not have a significant adverse effect on the environment, and this resolution shall constitute a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the N.Y.C.R.R. Part 617, for the following reasons:

1. There are no identified unusual or unique land forms or environmentally sensitive areas at the proposed location;
2. No other areas of concern have been identified by the public or the Board; and

BE IT FURTHER RESOLVED that the Town of Sullivan Planning Board hereby allows and grants the Applicant's request for a Special Use Permit to utilize the premises as a mixed-use facility consisting of a tattoo artist business and an art sales and instruction classes use, along with associated parking improvements and landscaping features at the Property, all in specific accordance with the submitted application, plans and specifications, conditioned however upon the following:

1. All use and operation of the site will be specifically in accordance with the submitted application materials and statements made before the Town of Sullivan Planning Board;
2. The site plan shall be modified to depict only the two (2) parking spaces for the front of the property;
3. No additional uses are approved for the mixed use beyond the tattoo artist business and the retail sales of art with limited conducting of art classes on the site;
4. Hours of operation shall be 12:00 pm. to 9:00 p.m., six (6) days per week;
5. Applicant shall submit an updated site plan specifically depicting all parking areas and spots, including the required ADA parking;
6. There shall be no access to the site from Route 5W for every day traffic and all access shall be from Tuscarora Road (no every day traffic shall access Route 5W entrance - emergency only);
7. Applicant shall install plantings of low-lying shrubs which shall be added to the resubmitted site plan and which plantings shall be located in the front yard property,

- where Route 5W and Tuscarora Road converge and shall be continuously maintained;
8. A grassy area shall be planted in the front area of the property and shall be continuously maintained by the Applicant and/or Owner;
 9. Applicant, Owner or operator shall cause trash to be removed by a contractor on a weekly basis (no outside dumpsters);
 10. There shall be no on-street parking;
 11. No other uses beyond those granted by this approval shall be permitted without an amended request and approval with amended site plan application from the Town of Sullivan Planning Board; and

BE IT FURTHER RESOLVED that the Applicant shall comply in all respects with the Zoning Law; and

BE IT FURTHER RESOLVED that the Town's Zoning Officer is hereby authorized and directed upon payment of any required fees to issue such permits (including professional engineering and legal fees) and certificates or to take such other actions as may be required to effectuate and enforce this Resolution, including satisfaction of the above-referenced conditions; and

BE IT FURTHER RESOLVED, that this Resolution shall be effective as of the date of its filing with the Town Clerk and shall be subject to annual inspection for compliance.

The question of the adoption of the foregoing Resolution was duly put to a roll call vote, which resulted as follows:

Paul Jasek	Voted	YES
John Ceresoli	Voted	YES
Sherry Menninger	Voted	YES
Dave Allen	Voted	YES
Frank Park, Chairman	Voted	YES

The Chairman, Mr. Park, then declared the Resolution to be duly adopted.

FRANK PARK, Chairman of the Planning Board of the Town of Sullivan, hereby certifies that the foregoing Resolution was duly adopted at a meeting of the Board duly convened and held on February 5, 2019, a quorum being present.

FRANK PARK, CHAIRMAN

Town of Sullivan Planning Board

PAMELA BRIONES, Deputy Town Clerk of the Town of Sullivan hereby certifies that the foregoing Resolution was duly filed in her office on February ___, 2019.

MARK DESIDERIO – 933/935 ROUTE 31 – SLB 9.5-1-6 – SUBDIVISOIN

Mr. Desiderio has two acres on Route 31 (abutting the State boat launch) with two houses on the same property. Mr. Desiderio would like to split his property so that the second house on the property can be added to his neighbor's property. He needs to have 150' of road frontage for both properties. He would need to go to the ZBA to get a variance to get relief from the zoning law. The property cannot be legally subdivided without the proper frontage.

A motion was made by Sherry Menninger and seconded by Paul Jasek to adjourn the meeting at 7:50PM. All in favor.

Respectfully submitted,

REGULAR MEETING - TOWN OF SULLIVAN PLANNING BOARD –MARCH 5, 2019

The regular meeting of the Town of Sullivan Planning Board began at 7:00PM

Present: Frank Park, David Allen, Sherry Menninger, John Ceresoli, Paul Jasek, Phil Costanzo and John Langey, atty

A motion was made by Paul Jasek and seconded by Dave Allen to accept the February 5, 2019 minutes. All in favor.

**VINCENT VALOIS – SKEET REPAIR –ROUTE 31 POLE BUILDING – BUSINESS ZONE
SLB 10-1-38**

Louis Intondi appeared before the Board representing Mr. Valois. The Board would like to see the swail increased to capture water. The site is ½ acre. Mr. Valois plans to build a 30x48 pole building. There will be a driveway cut off Route 31. Final elevations need to be in the record for his as-builts.

Mr. Valois would like to erect a pole barn to repair machinery (trap shooting machines). The area is in a business zone. He would like to repair and sell these commercial trap shooting machines. The lot will be surveyed. A copy of the survey will be given to the Board – also showing the building plotted on the survey map.

TOWN OF SULLIVAN

PLANNING BOARD RESOLUTION

VALORIE HEPPELER (Owner) and VINCENT VALOIS (Applicant) - Application for a Special Use Permit for the Operation of a Machinery Repair Business at the Owner's Premises Located on NYS Route 31, Lakeport (Tax Map No. 10.-1-38), in the Town of Sullivan in a Business District - .-GRANTED WITH CONDITIONS.

March 5, 2019

S. Menninger moved and D. Allen seconded the following Resolution:

WHEREAS, Valorie Heppeler, as Owner (the “Owner”), and **Vincent Valois**, as Applicant (the “Applicant”), of property located on NYS Route 31, Lakeport, in the Town of Sullivan, more specifically known as Tax Map No. 10.-1-38 (the “Property”), made application to the Town of Sullivan Planning Board (the “Board”) on or about October 26, 2018 for a Special Use Permit to operate a machinery repair business at the Property in the Town of Sullivan, Madison County, which use would allow for the for the construction of a 30’ x 48’ non-heated, pole barn-style structure with site improvements on the Property in which to operate a trap/skeet machinery repair business in, all in an existing structure located on the Property, all pursuant to the Zoning Law of the Town of Sullivan, as amended (the “Law”); and

WHEREAS, Volume 6 N.Y.C.R.R. Part 617 of the Regulations relating to Article 8 of the Environmental Conservation Law of New York (“SEQRA”), requires that as early as possible and within (20) days of a complete application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, the Applicant has completed and submitted a Short Form Environmental Assessment Form and the same has been reviewed and considered by the Board along with the other submissions provided by the Applicant; and

WHEREAS, the application was referred to the Madison County Planning Department (“MCPD”) for review and comment pursuant to General Municipal Law 239-m and said Board having issued its report dated November 9, 2019 indicating that the matter was being returned for local determination; and

WHEREAS, the Applicant’s application was considered fully by the Planning Board and upon such consideration the Board hereby finds pursuant to Article V of Chapter 275 of the Town of Sullivan Zoning Law, among other things, with regard to the proposed project the following:

5. The location, size of use and (proposed) structure, nature and intensity of the operations involved, *i.e.* a trap/skeet machinery repair business, with associated

parking improvements, landscaping features and drainage improvements, are all in harmony with the orderly development of the District. The proposed use is set amongst existing structures in a well-traveled business area, which is suitable for the proposed uses. In addition, the proposed structure and planned parking area appear they will be readily able to accommodate the low-traffic business and are further properly oriented on the site.

6. There will be no discouragement of appropriate development and use of adjacent lands or buildings, nor will such lands or buildings have impairment to their value by operation of the mixed-use at the site. Surrounding uses in the area are both commercial and residential in nature. The area is zoned Business. There has been no evidence that there will be any negative impacts created by the proposed uses as shown on the submitted drawings. The Applicant has stated that they will install appropriate landscaping shrubs in the front area of the property along NYS Route 31. Further, no other uses beyond those described in the application will be allowed.
7. The operation of the proposed business will not be more objectionable to nearby properties than the operations of any other permitted standard uses. The Business Zoning District supports such uses and the property will include appropriate drainage features.
8. The project provides for sufficient private parking on-site and circulation for deliveries. There will be no on-street parking allowed. The Applicant has submitted drawings to show that the proposed parking area and driveway will be sufficient for the proposed uses; and

WHEREAS, the Board has fully considered all of the application materials, drawings and submissions associated with the proposed use.

NOW THEREFORE, BE IT RESOLVED that the Town of Sullivan Planning Board hereby determines that the proposed action is an Unlisted Action, that the action does not involve any federal agency and the proposed action does not involved more than one agency; and

BE IT FURTHER RESOLVED that the Town of Sullivan Planning Board hereby notices all agencies involved, if any, that it shall be lead agency for this project; and

BE IT FURTHER RESOLVED that the Town of Sullivan Planning Board hereby determines that the proposed action will not have a significant adverse effect on the environment, and this resolution shall constitute a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the N.Y.C.R.R. Part 617, for the following reasons:

3. There are no identified unusual or unique land forms or environmentally sensitive

- areas at the proposed location;
4. No other areas of concern have been identified by the public or the Board; and

BE IT FURTHER RESOLVED that the Town of Sullivan Planning Board hereby allows and grants the Applicant's request for a Special Use Permit to utilize the premises as a trap/skeet machinery repair business with a 30' x 48' non-heated, pole barn-style structure, along with associated drainage and parking improvements and landscaping features with drainage improvements at the Property, all in specific accordance with the submitted application, plans and specifications, conditioned however upon the following:

12. All use and operation of the site will be specifically in accordance with the submitted application materials and statements made before the Town of Sullivan Planning Board;
13. Construction and approval of the drainage improvements;
14. No additional uses are approved for the business beyond that approved herein;
15. Submission of the New York State Department of Transportation Commercial Driveway Cut Permit;
16. Submission of as-built drawings certifying final elevations of the improved site;
17. All lighting shall be wall-mounted, downcast and shall not spill onto the neighboring properties or the adjacent roadways;
18. Owner shall arrange for hook-up to public water and sewer facilities;
19. Owner and/or Applicant shall see to the continuous maintenance of depicted drainage facilities and landscaping features;
20. There shall be no on-street parking;
21. No other uses beyond those granted by this approval shall be permitted without an amended request and approval with amended site plan application from the Town of Sullivan Planning Board; and

BE IT FURTHER RESOLVED that the Applicant shall comply in all respects with the Zoning Law; and

BE IT FURTHER RESOLVED that the Town's Zoning Officer is hereby authorized and directed upon payment of any required fees to issue such permits (including professional engineering and legal fees) and certificates or to take such other actions as may be required to effectuate and enforce this Resolution, including satisfaction of the above-referenced conditions; and

BE IT FURTHER RESOLVED, that this Resolution shall be effective as of the date of its filing with the Town Clerk and shall be subject to annual inspection for compliance.

The question of the adoption of the foregoing Resolution was duly put to a roll call vote, which resulted as follows:

Paul Jasek	Voted	YES
John Ceresoli	Voted	YES
Sherry Menninger	Voted	YES
Dave Allen	Voted	YES
Frank Park, Chairman	Voted	YES

The Chairman, Mr. Park, then declared the Resolution to be duly adopted.

FRANK PARK, Chairman of the Planning Board of the Town of Sullivan, hereby certifies that the foregoing Resolution was duly adopted at a meeting of the Board duly convened and held on February 5, 2019, a quorum being present.

FRANK PARK, CHAIRMAN

Town of Sullivan Planning Board

PAMELA BRIONES, Deputy Town Clerk of the Town of Sullivan hereby certifies that the foregoing Resolution was duly filed in her office on February ____, 2019.

PAMELA BRIONES, Deputy Town Clerk

**FORREST SEGUIN – 3 LOT - SUBDIVISOIN – 1415 BRINKERHOF HILL,
CHITTENANGO, NY SLB 57-1-3**

Mr. SeGuin appeared before the Board to discuss a 3-lot subdivision. The lot is to be divided among the Merriam family, each to get 25 acres. Lot #2 would need formal subdivision and 150' of road frontage to make it a conforming lot. Town subdivision law does not cover non-realty lots. They could also go to the ZBA for approval of a non-conforming lot.

**JOSHUA WEISMORE -1031 TUSCARORA RD/ROUTE 5 WEST – SLB 487-1-8 -TATTOO
AND GIFT SHOP**

Mr. Weismore returned with his map. The Board is concerned about the scale of Mr. Westmore's map. The Board would prefer that they keep cars off the point of the lot. They plan to have a fence with timbers and fencing to keep cars from entering or leaving on Route 5. They will put their map on graph paper and return it to the Town.

A motion was made by Dave Allen and seconded by Sherry Menninger to adjourn the meeting at 7:45PM. All in favor.

Respectfully submitted,